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September 20, 2012

By Hand Delivery

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

The Bureau of Prisons is requested to promptly consider the defendant's designation and to credit to be afforded for time served. The government is requested to convey this request to the Bureau of Prisons. SO ORDERED.

Re: *United States v. Reginald Randolph, SI 11 Cr. 709 (JGK) 9.S. 25.*

Dear Judge Koeltl:

9/27/12

On behalf of Reginald Randolph, I write to provide the Court with additional information regarding the credit that Mr. Randolph is to be afforded for the time he spent in detention at the Metropolitan Correctional Center ("MCC") in connection with this matter.

Following the government's September 7, 2012 letter to the Court regarding the calculation of Mr. Randolph's sentence, and the Court's Order of September 14, 2012, I contacted the New York City Department of Corrections in order to obtain its calculation of the credit that Mr. Randolph received for the misdemeanor case that immediately preceded his transfer to federal custody in this matter. I contacted the New York City Department of Corrections in connection with this issue (rather than the New York State Department of Corrections and Community Supervision, which is presumably the agency the government was referring to in its September 7 letter when it said that the Bureau of Prisons ("BOP") consults with its "analog in the New York state system" when determining the credit to afford a defendant) because Mr. Randolph's misdemeanor conviction and sentencing took place in Criminal Court for the City of New York, rather than in New York State Supreme Court.

MORVILLO, ABRAMOWITZ, GRAND, IASON, ANELLO & BOHRER, P.C.

The Honorable John G. Koeltl
September 20, 2012
Page 2

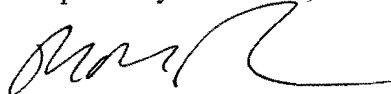
As the attached letter reflects, the New York City Department of Corrections has indicated that Mr. Randolph served only twenty days in custody in connection with the misdemeanor case for which he received a sentence of time-served, and does not consider Mr. Randolph to have been in its custody for any of the more than 9 months that Mr. Randolph thereafter spent at the MCC prior to his sentencing in this federal matter.

Accordingly, based on the procedures and calculation methods that the government described in its letter of September 7, 2012, we respectfully submit that the BOP should provide Mr. Randolph with credit against his federal sentence for the entire period of time between his transfer to the MCC on October 27, 2011 and the present day, which credit would total 329 days. We further note that, based on the one-year sentence the Court imposed in this matter, the above amount of credit would mean that Mr. Randolph has 36 more days to serve in federal custody.

One further issue warrants brief discussion. The government stated in its September 7 letter that the BOP would not determine the amount of credit that Mr. Randolph should receive towards his federal sentence until after he is designated to a specific facility. In this regard, we note (as did the government in its September 7 letter) that Mr. Randolph is now at the MDC Brooklyn, and this suggests that Mr. Randolph may not yet have been designated. Moreover, given that the BOP's website contains no estimated date of release for Mr. Randolph, it appears that the BOP still has not performed its calculation of the amount of time Mr. Randolph has left to serve in connection with his federal sentence. Unless that calculation is promptly performed, Mr. Randolph could potentially serve a longer sentence in federal custody than the one year that the Court imposed. Additionally, given that the delay in the BOP's calculation of the credit for time served appears to arise from Mr. Randolph not yet having been designated, we request that the Court recommend that the BOP promptly designate Mr. Randolph to either the MCC or MDC, and promptly perform his sentencing calculation. We submit that such a recommendation will permit Mr. Randolph to complete his federal sentence upon the proper time frame set forth above.

Thank you for your continued attention to this matter.

Respectfully submitted,



Robert M. Radick

cc: Assistant U.S. Attorney Telemachus Kasulis (with attachment)



NEW YORK CITY DEPARTMENT OF CORRECTION
Dora B. Schriro, Commissioner

Archana Jayaram, Associate Commissioner
Programs and Discharge Planning Services
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September 20, 2012

Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, P. C.
565 Fifth Avenue
Attn: Robert M. Radick
New York, New York 10017

Re: Reginald Randolph – NYSID# 00467320Y

Dear Mr. Radick:

This notice is to confirm that Mr. Reginald Randolph with NYSID #00467320Y was admitted to the custody of the New York City Department of Correction on October 8, 2011 and discharged on October 27, 2011 (20 days). The New York City Department of Correction can only attest to the time Mr. Randolph spent in its custody.

If further assistance is needed, please feel free to contact me at 718-546-0448.

Thank you.

A handwritten signature in black ink, appearing to read "S. Peake", with the number "1128" written to the right of the signature.

Captain S. Peake #1128